

(2) in the case of an odd-numbered year, provide, not later than July 31 of such year, by concurrent resolution adopted in each House by roll-call vote, for the adjournment of the two Houses from that Friday in August which occurs at least thirty days before the first Monday in September (Labor Day) of such year to the second day after Labor Day.

(b) This section shall not be applicable in any year if on July 31 of such year a state of war exists pursuant to a declaration of war by the Congress.

(Aug. 2, 1946, ch. 753, title I, §132, 60 Stat. 831; Pub. L. 91-510, title IV, §461(b), Oct. 26, 1970, 84 Stat. 1193.)

#### AMENDMENTS

1970—Pub. L. 95-110, in amending section generally, incorporated existing subject matter in subsec. (a)(1), substituted therein an adjournment date not later than July 31 of each year for prior provision for a date not later than last day (Sundays excepted) in month of July in each year, added subsec. (a)(2), added subsec. (b) which incorporated former exception to adjournment in time of war, and deleted another exception to adjournment during national emergency proclaimed by the President.

#### EFFECTIVE DATE OF 1970 AMENDMENT

Amendment by Pub. L. 91-510 effective immediately prior to noon on Jan. 3, 1971, see section 601(1) of Pub. L. 91-510, set out as a note under section 72a of this title.

#### EFFECTIVE DATE

Section effective Jan. 2, 1947, see section 142 of act Aug. 2, 1946.

### § 199. Member of commission, board, etc., appointed by President pro tempore of Senate; recommendation process; applicability

(a) Any provision of law which provides that any member of a commission, board, committee, advisory group, or similar body is to be appointed by the President pro tempore of the Senate shall be construed to require that the appointment be made—

(1) upon recommendation of the Majority Leader of the Senate, if such provision of law specifies that the appointment is to be made on the basis of the appointee's affiliation with the majority political party,

(2) upon the recommendation of the Minority Leader of the Senate, if such provision of law specifies that the appointment is to be made on the basis of the appointee's affiliation with the minority party, and

(3) upon the joint recommendation of the Majority Leader of the Senate and the Minority Leader of the Senate, if such provision of law does not specify that the appointment is to be made on the appointee's affiliation with the majority or minority political party.

(b) The provisions of subsection (a) of this section shall be applicable in the case of appointments made after December 22, 1980, pursuant to provisions of law enacted on, before, and after, December 22, 1980.

(Pub. L. 96-576, §3, Dec. 22, 1980, 94 Stat. 3355.)

## CHAPTER 7—CONTESTED ELECTIONS

### §§ 201 to 226. Repealed. Pub. L. 91-138, § 18, Dec. 5, 1969, 83 Stat. 290

The subject matter of former sections 201 to 226 of this title is covered generally by chapter 12 of this title.

Section 201, R.S. §105, provided that whenever any person intended to contest an election of any member of House of Representatives he had to give notice in writing to that member within thirty days of result of such election.

Section 202, R.S. §106, provided that a member of House of Representatives whose election was contested serve an answer within thirty days after service of notice upon him.

Section 203, R.S. §107; Mar. 2, 1875, ch. 119, §2, 18 Stat. 338, provided time and order for taking testimony.

Section 204, R.S. §108, provided for taking of depositions upon notice to other party.

Section 205, R.S. §109, provided that testimony in contested election cases could be taken at two or more places at same time.

Section 206, R.S. §110; June 7, 1878, ch. 160, 20 Stat. 99; July 1, 1898, ch. 541, §38, 30 Stat. 555, made provision for issuance of subpoenas by specified officers.

Section 207, R.S. §111, set forth requisite contents of subpoenas.

Section 208, R.S. §112, authorized issuance of subpoenas by justices of the peace.

Section 209, R.S. §113, made provision for taking of depositions by written consent.

Section 210, R.S. §114, required that each witness be served with a subpoena at least five days prior to date he was required to attend.

Section 211, R.S. §115, exempted witness from attendance at examinations out of county in which they resided or were served with a subpoena.

Section 212, R.S. §116, mandated a \$20 penalty to be recovered by party issuing subpoena, and a possible indictment for a misdemeanor, for failure of party summoned to attend or testify, unless prevented by sickness or unavoidable necessity.

Section 213, R.S. §117, provided that depositions of witnesses residing outside district be taken before any officer authorized to take testimony in contested election cases in district in which witness resided.

Section 214, R.S. §118, required selection of qualified officers to officiate jointly with officer named in notice.

Section 215, R.S. §119, provided that at taking of any deposition under this chapter, either party could appear and act in person, or by agent or attorney.

Section 216, R.S. §120, made provision for examination of witnesses through device of taking their depositions before a qualified officer.

Section 217, R.S. §121, provided that testimony to be taken by either party be confined to proof or disproof of facts alleged or denied in notice and answer.

Section 218, R.S. §122, required officer to reduce to writing testimony of witnesses, together with questions proposed by parties, and have this writing duly attested by witnesses.

Section 219, R.S. §123, empowered officer to require production of papers.

Section 220, R.S. §124, provided that taking of testimony might, if so stated in notice, be adjourned from day to day.

Section 221, R.S. §125, provided that notice to take depositions, with proof of service thereof, and a copy of the subpoena, where one has been served, be attached to depositions when completed.

Section 222, R.S. §126, provided that a copy of notice of contest and of answer of returned member, be prefixed to depositions taken and transmitted with them to Clerk of House of Representatives.

Section 223, R.S. §127; Mar. 2, 1875, ch. 119, §1, 18 Stat. 338; Mar. 2, 1887, ch. 318, 24 Stat. 445, covered procedure followed by Clerk of House of Representatives once the